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LIMITED OFFICIAL USE SECTION 1 OF 2 GENEVA 7031

E.O. 11652: GDS

TAGS: OCON, UN, PFOR, SHUM

SUBJECT: 5TH UN CONGRESS ON THE PREVENTION OF CRIME AND
TREATMENT OF OFFENDERS - ROUND-UP REPORT

BEGIN UNCLASSIFIED

BEGIN SUMMARY. MORE THAN 100 NATIONS AND MORE THAN 1,000
PERSONS, INCLUDING NGO'S AND INDIVIDUALS, PARTICIPATED IN
5TH UN CONGRESS ON PREVENTION OF CRIME AND TREATMENT OF
OFFENDERS, GENEVA, SEP 1-12, 1975. END SUMMARY. END UNCLAS.

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1. CONGRESS WAS REMARKABLY FREE FROM POLITICS AND US DEL
GRATIFIED THAT NONE OF ITS WORST FEARS WAS REALIZED.
RELATIVE ABSENCE OF POLEMICAL EXCHANGES PROBABLY REFLECTED
FACT THAT MOST DELS HAD A HIGH PERCENTAGE OF PROFESSIONALS --
JUDGES, LAWYERS, PRISON AND CORRECTION OFFICIALS -- WHO WERE
SEEKING HONESTLY TO EXPLAIN THEIR PROBLEMS AND FIND SOLUTIONS.

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2. THOSE POLITICAL ATTACKS THAT DID OCCUR WERE OF THE

RITUALISTIC, ALBEIT IMPASSIONED, VARIETY, AND NONE WAS TIED TO ANY SPECIFIC ATTEMPT TO FORCE THE CONGRESS INTO A FIGHT OVER CREDENTIALS, EXCLUSION, OR CONDEMNATION.

3. CHILE, WHICH DID NOT SHOW UP AT SESSIONS, BORE THE BRUNT OF ATTACKS. ITS PRESENT REGIME WAS SOUNDLY EXCORIATED BY CUBA, THE SOVIETS, AND OTHER EASTERN EUROPEANS, WITH MEXICO ALSO JOINING THE CRITICISM. THIS CULMINATED IN CUBAN AND SOVIET ATTEMPTS SEPT 11 TO INVOLVE CONGRESS IN COMMEMORATION OF ALLENDE'S DEATH.

4. ATTACKS ON ISRAEL IN CONNECTION WITH ITEMS ON TERRORISM AND TORTURE BY ARAB COUNTRIES AND PLO FOLLOWED PREDICTABLE PATTERN, AND THERE SEEMED TO BE NO IMPETUS AT ALL TO MAKE A SERIOUS ISSUE OF ARAB-ISRAELI PROBLEMS.

5. LIBYA AND SYRIA IN CONGRATULATING PRESIDENT (ANTTILA) ON SUCCESSFUL CONGRESS AT FINAL PLENARY MILDLY ATTACKED CANADA FOR CANCELLING CONGRESS IN TORONTO AND ACCUSED ISRAEL OF TORTURING PRISONERS IN ISRAELI-HELD TERRITORIES.

6. THE ATTACK ON CANADA COUNTERED BY HELVI SEPILA WHO EXPRESSED APPRECIATION TO CANADA FOR ITS ASSISTANCE IN ORGANIZING AND MAKING CONGRESS A SUCCESS.

7. THE US CAME OUT FAIRLY UNSCATHED, WITH ONLY CUBA TAKING A SWIPE AT US DURING THE FIRST WEEK WHENEVER THE OPPORTUNITY AROSE. END LIMITED OFFICIAL USE.

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8. VAST ASSEMBLAGE OF KNOWLEDGEABLE PEOPLE PROVIDED UNUSUAL OPPORTUNITY FOR PRIVATE EXCHANGES OF VIEWS AND EXPERIENCES. THESE PRIVATE EXCHANGES WERE INVALUABLE, PROBABLY MORE SO THAN PUBLIC EXCHANGES. NEVERTHELESS, PUBLIC DEBATE WAS ON THE WHOLE CONSTRUCTIVE AND GAVE INTERESTED DELS CHANCE TO ENUNCIATE LIMITED OFFICIAL USE

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THEIR POLICIES IN A DISTINGUISHED GATHERING OF PROFESSIONAL PEERS.

9. SECTION I - CHANGES IN FORMS AND DIMENSIONS OF CRIMINALITY. THERE WAS USEFUL VENTILATION OF IDEAS AND ATTITUDES ON TERRORISM, AND ALTHOUGH NO NEW GROUND WAS BROKEN, DELS HERETOFORE UNAWARE OF DIMENSION OF PROBLEM HAD THEIR EYES OPENED. JAPANESE

STATEMENT ON THIS ISSUE WAS IMPORTANT AS PUBLIC
EVIDENCE OF CONCERN OF MAJOR NATION OVER TERRORISM.

10. SECTION II - CRIMINAL

LEGISLATION AND JUDICIAL PROCEDURES.

THERE WAS BROAD EXCHANGE OF INFORMATION ABOUT THE
PROBLEMS AND ACHIEVEMENTS OF CRIMINAL JUSTICE SYSTEMS.

DELS SAW CRIMINAL JUSTICE AS ONLY ONE ASPECT OF A
BROAD PATTERN OF SOCIAL CONTROL; SOME WERE ABLE TO
REPORT HOW GENERAL SOCIAL AND ECONOMIC REFORMS
APPEARED TO BE SUCCESSFUL IN DIMINISHING
THE VOLUME OF CRIME AND EASING THE TASK OF CONTROL.
LDC DELS GAVE ACCOUNTS OF REFORMS DESIGNED TO MAKE
THE NATIONAL SYSTEM OF CRIMINAL JUSTICE MORE RES-
PONSIVE TO LOCAL NEEDS AND CULTURAL PATTERNS.

11. ON THE WHOLE, DELS DID NOT ACCEPT THAT THERE
WAS, IN THE WORDS OF THE SECTION II WORKING PAPER, A
"CRISIS" IN THE CRIMINAL JUSTICE SYSTEM. MOST AGREED
THAT IT FACED NEW CHALLENGES CALLING FOR THOROUGH AND
CONTINUING SCRUTINY OF COMPONENT PARTS AND OF OVERALL SUCCESS
IN CONTROLLING CRIME. LIMITS ON RESOURCES
OF ALL KINDS NEEDED FOR CRIMINAL JUSTICE MEANT
PRIORITIES HAD TO BE SET AND PERIPHERAL FUNCTIONS
DISCARDED. MUCH INTEREST EXPRESSED IN THE PROCESSES
OF "DECRIMINALIZATION" AND "DEPENALIZATION", THOUGH
DELS DIFFERED IN THE RANGE OF CONDUCT WHICH COULD
BE REMOVED FROM THE AMBIT OF THE CRIMINAL LAW WITHOUT
DAMAGE TO FABRIC OF SOCIETY. A NUMBER OF DELS POINTED
OUT THAT DECRIMINALIZATION AND DEPENALIZATION DID NOT
SOLVE SOCIAL PROBLEMS. PART, THEREFORE, OF CRIMINAL
LAW REFORM LAY IN AN EXTENSION OF PUBLIC TOLERANCE OF
DEVIANT BEHAVIOR.

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12. DELS ACKNOWLEDGED THAT A HIGH PROPORTION OF
THOSE SUBJECTED TO THE CRIMINAL JUSTICE PROCESS WERE
THE POOR, UNDERPRIVILEGED AND MEMBERS OF MINORITY
GROUPS; AND THEY AGREED THAT THIS FEATURE OF CRIMINAL
JUSTICE NEEDED TO BE BORNE IN MIND WHEN CHANGES WERE
BEING PLANNED, THOUGH THE PROBLEM OF INEQUALITY OF
OPPORTUNITY WENT FAR BEYOND THE CRIMINAL
JUSTICE SYSTEM AND ITS REFORM COULD NOT BE EXPECTED
TO GO ALL THE WAY TO SOLVING IT. SIMPLER AND MORE
COMPREHENSIBLE LEGAL PROCEDURES, THE EXTENSION OF
LEGAL AID AND ADVICE, WERE SEEN BY SOME DELS AS A
PARTIAL ANSWER. ALSO, GREATER ATTENTION TO VARIOUS
FORMS OF CRIMES OF AFFLUENCE - COMPANY FRAUD, TAX
EVASION, CORRUPTION - WAS SEEN AS A WAY OF REDRESSING

THE BALANCE.

13. ANOTHER ASPECT ATTRACTING ATTENTION WAS THE NEED, WHERE INTERVENTION TO CONTROL LAW-BREAKING WAS INEVITABLE, TO RELY AS MUCH AS POSSIBLE ON THE MANY OTHER INSTRUMENTS OF CONTROL AND RECONCILIATION THAT ARE AT SOCIETY'S DISPOSAL, AND TO RESORT TO CRIMINAL PROCEEDINGS ONLY WHEN OTHER METHODS WOULD NOT DO. INTEREST EXPRESSED IN GIVING GREATER DISCRETION TO PROSECUTING AUTHORITIES TO SETTLE CASES BY MEANS OTHER THAN PROSECUTION.

14. SECTION RECOGNIZED THE NEED TO SUSTAIN THE STANDARDS AND EFFICIENCY OF THE JUDICIARY WAS RECOGNIZED. PROPER SELECTION AND TRAINING OF JUDGES CONSIDERED GREAT IMPORTANCE. ALSO IMPORTANT WAS THE NEED FOR THE CRIMINAL COURTS TO HAVE A FULL RANGE OF POWERS, AND WIDE DISCRETION IN THEIR USE - INCLUDING, IN PARTICULAR, DISCRETION TO WITHHOLD PENAL SANCTIONS WHERE INTERESTS OF JUSTICE WERE BEST SERVED BY LITTLE OR NO INTERVENTION.

15. SECTION III - THE EMERGING ROLES OF THE POLICE AND OTHER LAW ENFORCEMENT AGENCIES, WITH SPECIAL REFERENCE TO CHANGING EXPECTATIONS AND MINIMUM STANDARDS OF PERFORMANCE. SECTION PRESENTATIONS IN-LIMITED OFFICIAL USE

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DICATED (EXCEPT SOCIALIST BLOC) MOST MEMBER STATES FEEL THEY HAVE COMMON PROBLEMS INCLUDING POLICE RELATIONS WITH PUBLIC WHICH ARE CRUCIAL TO CRIME CONTROL; PUBLIC IS INCREASINGLY REFLECTING LESS CONFIDENCE IN POLICE AND JUDICIARY AND EFFECTIVENESS OF CRIMINAL JUSTICE SYSTEM.

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16. FOLLOWING HAVE IMPLICATIONS FOR US ACTION:

A. REVISION OF EXTRADITION TREATIES ON DRUG, FINANCIAL, ECONOMIC CRIMES AND ENACTING NEW TREATIES FOR SECURING FINANCIAL CRIME DATA AND INTERVIEW EVIDENCE REQUESTED BY MANY DELS.

B. INTERPOL MECHANISMS/COMMUNICATIONS NEED MUCH MORE PUBLICITY TO INDIVIDUAL US POLICE AGENCIES.

C. JAPAN REPORTED (ONLY NATION GIVING FACTUAL DATA) CONTINUING REDUCTION IN CRIME.

D. MANY DELS REPORTED IN-DEPTH INVOLVEMENT OF MASS MEDIA AND SCHOOL SYSTEMS WAS SIGNIFICANTLY EFFECTIVE IN IMPROVING PUBLIC COOPERATION WITH POLICE AND IN USE OF CRIME PREVENTION PROGRAMS.

E. US SHOULD REPORT ON POLICE ABUSE CONTROL, EXTRADITION AND INVESTIGATIVE TREATY, COMMUNITY RELATIONS, CRIME PREVENTION BY CITIZENS, AT NEXT LIMITED OFFICIAL USE

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CONGRESS.

17. INFORMAL DISCUSSIONS AMONG US DELS AND OTHER COUNTRY REPS INDICATE CONCERN OVER: WHETHER UN CONSULTANTS PUSH THEIR OWN SOCIAL THEORIES AT THE EXPENSE OF ANALYTICAL AND PRAGMATIC PRESENTATION, AND GLOSS OVER NATIONAL DIFFERENCES TO DETRIMENT OF THEIR FACTUAL COMMUNICATION FUNCTION; WHETHER UN PROCEDURE WAS CLEAR AND UNIFORMLY FOLLOWED WITH RESPECT TO SECTION PROCEDURE AND RAPPORTEUR PRACTICES; WHETHER

SECTION PROCEDURE PROVIDES OR INHIBITS OPPORTUNITY FOR DISCUSSION; WHETHER NGO AND INDIVIDUAL PARTICIPANTS' TIME DOESN'T ACTUALLY DETRACT FROM GOVERNMENTAL DELS ACCOMPLISHMENTS; LACK OF FORMAL ATTENTION TO JUVENILE CRIME.

18. SECTION IV - STANDARD MINIMUM RULES. MAJOR PRODUCT OF CONGRESS IN THIS AREA WAS DECLARATION ON TORTURE, WHICH WILL NOW GO BEFORE GA FOR FULL-SCALE DEBATE. THERE IS UNIVERSAL SUPPORT FOR CONDEMNATION OF TORTURE AND FOR DEVELOPING INTERNATIONAL RULES FOR DETERRING IT, BUT THERE WILL BE DIFFICULTY IN ACCOMMODATING THE MANY JURIDICAL POINTS OF VIEW EXPRESSED AT CONGRESS.

19. ALTHOUGH THERE WAS GREAT RELUCTANCE AT THE CONGRESS TO AMEND THE STANDARD MINIMUM RULES (SMR) TO DEAL SPECIFICALLY WITH THE PROBLEM OF TORTURE, THERE WAS NEVERTHELESS CONTINUED WIDE ACCEPTANCE OF THE SMR AS GUIDELINES FOR TREATMENT OF OFFENDERS. THERE SEEMS TO BE SLIGHT PREPONDERANCE IN FAVOR OF EVENTUALLY AMENDING THEM TO BRING THEM UP TO DATE, AT LEAST INSOFAR AS THEY APPLY TO NORMAL CASES OF DETENTION AND IMPRISONMENT.

20. SECTION V - ECONOMIC AND SOCIAL CONSEQUENCES OF CRIME: NEW CHALLENGES FOR RESEARCH AND PLANNING. THE PRIMARY CONTRIBUTION OF THIS SECTION WAS RECOGNITION OF CRIMINAL JUSTICE PLANNING AS PART OF OVERALL SOCIAL AND ECONOMIC PLANNING. NATIONS WERE URGED TO LOOK BEYOND TRADITIONAL CONCEPTS OF CRIME AND TRADITIONAL LIMITED OFFICIAL USE

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METHODS OF CRIME CONTROL. THE NEED TO MEASURE NOT ONLY DIRECT COSTS OF CRIME, BUT THE SOCIAL, ECONOMIC AND HUMAN COST WAS STRESSED. NATIONS WERE TOLD TO CONSIDER THE EFFECTS OF "ANTI SOCIAL BEHAVIORS" WHICH ARE NOT NOW CRIMES, BUT WHICH HAVE "PERNICIOUS EFFECT" ON NATIONAL DEVELOPMENT. FURTHER, IT WAS RECOMMENDED THAT ALL ANTI-CRIME EFFORTS BE A PART OF OVERALL SOCIAL AND ECONOMIC PLANNING AND THAT THE ENTIRE COMMUNITY BE "SENSITIZED" TO AND INVOLVED IN PLANNING FOR CRIME PREVENTION AND CONTROL.

21. THE SECTION EMPHASIZED AND REEMPHASIZED THE NEED FOR RESEARCH AND PLANNING. HOWEVER, THE PARTICIPANTS MADE IT QUITE CLEAR THAT THERE WOULD BE SUBSTANTIAL DIFFERENCE IN METHODS OF RESEARCH AND TYPES OF PLANNING. FOR EXAMPLE, LDC'S NOTED A LACK OF RESOURCES FOR

RESEARCH AND PLANNING ON A SOPHISTICATED LEVEL; OTHER NATIONS NOTED A WIDE VARIETY OF OBJECTIVES IN PLANNING CRIME CONTROL INCLUDING POLITICAL OBJECTIVES.

2. THE IDEAS WHICH MAY BE OF MOST INTEREST TO THE US ARE:

A. REDEFINING CRIMES TO INCLUDE "ANTI-SOCIAL BEHAVIORS" WHICH ARE NOT NOW DEFINED AS CRIMINAL, E.G. INTERNATIONAL CURRENCY MANIPULATION, DAMAGE TO THE ENVIRONMENT AND OTHER CRIMES AGAINST "NATIONAL DEVELOPMENT."

B. PLANNING TO LIMIT THE NEGATIVE EFFECTS OF ORGANIZATION INCLUDING PROGRAMS FOR LIMITING THE SIZE OF CITIES, BREAKING CITIES INTO UNITS OF 1000-5000 AND "EDUCATING" MIGRANTS TO AVOID "SLUM LIFE".

C. ACCEPTANCE OF "SIMPLE RESEARCH" AND "SAMPLING METHODS" AS A VALID PLANNING BASIS INSTEAD OF INSISTING UPON HARD BASE LINE DATA AND COMPARABLE CRIME STATISTICS. END UNCLASSIFIED. DALE

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